

REMARKS/ARGUMENTS

Original claims 1-20 remain in the application.

Claims 1, 2 and 13 have been rejected.

Claims 3-12 and 14-20 have been objected to for depending from a rejected claim.

The drawings have been objected to for informalities. Corrected replacement sheets containing Figures 1, 2A, 2B, 3A, 3B, 3C, 4A and 4B are included herein for the Examiner's approval.

Claims 1, 2 and 13 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wecke et al. (5,946,342). To anticipate, "the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (M.P.E.P. 706.02) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (M.P.E.P. 2131). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (M.P.E.P. 2131) "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (M.P.E.P. 2131) "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (M.P.E.P 2143.03).

With respect to claims 1 and 13, the Examiner has suggested that Wecke et al. teaches a linear motion compensator having a hollow housing 1 adapted to be connected to an input device 6 and out output device 4 and a stroke compensator, comprised of switch jack 8 and tappet 3, contained within the housing. The Examiner further states that the stroke compensator (8 and 3) received a linear motion from the input device 6 and transmits a linear motion of a different length to the output device 4, noting Figures

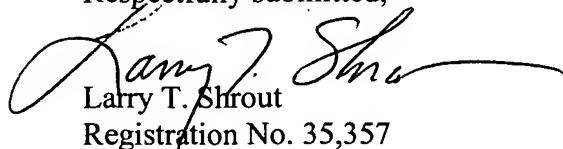
1-3. There is nothing in Figures 1-3 that indicate or suggest that the stroke length received from the actuator is different from that transmitted to the output. In Figure 1 the output is fully deflected and in Figures 2 and 3 the compensator is at the same position, only the actuator 6 has moved. The tappet 3 moves in direct linear response to the actuator 6, while the switch jack 8 merely follows the linear movement by pivoting around pin 10. There is no teaching or suggestion in the specification that the switch jack 8 and tappet 3 cause or are intended to cause any change in stroke length. The specification does disclose a safety switch which has a removable actuator 6 and is required to be in an OFF condition when the actuator is removed. Therefore, the leg 13 of switch jack 8 is pulled in the direction of arrow A (Fig. 1) as the actuator 6 is removed. The leg 11 of the switch jack 8 engages a portion of tappet 3 (Fig. 2) causing it to be pulled in direction A also and thereby moving switching bridge 4 to the OFF position. These operations are described in column 1, lines 16-19, 28-36, 45-50, and column 3, lines 1-17. Therefore, Wecke does not meet the requirements stated above for a rejection under 35 U.S.C. 102.

Regarding claim 2, applicant agrees that Wecke's element 10 is a pivot pin, however, the switch jack 8 does not perform the required linear motion compensation function defined in claim 1. Further, since claim 2 is dependent from claim 1, which is deemed to define over the cited art, claim 2 is also allowable.

The Examiner has indicated that the remaining claims, 3-12 and 14-20, would be allowable if dependent from an allowed independent claim. Since independent claims 1 and 13 are deemed to be allowable over the cited art for the reasons stated above, these dependent claims are also allowable.

In reply to the Office Action dated November 1, 2005, the rejections set forth by the Examiner have been carefully considered, the drawings have been amended to overcome the Examiner's rejection; and arguments have been presented herein to overcome the Examiner's §102 rejection of claims 1, 2 and 13. Applicants believe all pending claims are in condition for allowance and respectfully request a favorable reconsideration and allowance of this Application.

Respectfully submitted,



Larry T. Shrout
Registration No. 35,357

SQUARE D COMPANY
P.O. Box 27446
Raleigh, North Carolina 27611-7446
Telephone: 919/266-8625
Facsimile: 919/266-8397